



State Administration Council

**Wednesday, March 22, 2006
1:00 PM – 2:00 PM
Morris Hall (17 HOB)**

COUNCIL ACTION

**Allan G. Bense
Speaker**

**Donald "Don" Brown
Chair**

COUNCIL MEETING REPORT

State Administration Council

3/22/2006 1:00:00PM

Location: Morris Hall (17 HOB)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Donald Brown (Chair)	X		
Sandra Adams	X		
Ellyn Setnor Bogdanoff	X		
Mary Brandenburg	X		
Audrey Gibson	X		
Wilbert Holloway	X		
Stan Jordan	X		
Ron Reagan	X		
David Rivera	X		
Totals:	9	0	0

Committee meeting was reported out: Wednesday, March 22, 2006 2:29:39PM

COUNCIL MEETING REPORT

State Administration Council

3/22/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 461 : Motor Vehicle License Plates

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
Ellyn Setnor Bogdanoff				X	
Mary Brandenburg	X				
Audrey Gibson				X	
Wilbert Holloway			X		
Stan Jordan	X				
Ron Reagan	X				
David Rivera			X		
Donald Brown (Chair)	X				
Total Yeas: 5		Total Nays: 0			

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COUNCIL MEETING REPORT

State Administration Council

3/22/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 955 : Veterans' Nursing Home of Florida Act

☒ *Favorable*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Ellyn Setnor Bogdanoff				X	
Mary Brandenburg	X				
Audrey Gibson				X	
Wilbert Holloway			X		
Stan Jordan	X				
Ron Reagan	X				
David Rivera			X		
Donald Brown (Chair)	X				
Total Yeas: 5 Total Nays: 0					

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COUNCIL MEETING REPORT

State Administration Council

3/22/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 1001 CS : Public Records

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
Ellyn Setnor Bogdanoff				X	
Mary Brandenburg	X				
Audrey Gibson	X				
Wilbert Holloway	X				
Stan Jordan	X				
Ron Reagan	X				
David Rivera			X		
Donald Brown (Chair)	X				
Total Yeas: 7		Total Nays: 0			

Committee meeting was reported out: Wednesday, March 22, 2006 2:29:39PM

COUNCIL MEETING REPORT

State Administration Council

3/22/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 7017 : Review under the Open Government Sunset Review Act regarding Economic Development Agencies

☒ *Favorable With Committee Substitute*

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams				X	
Ellyn Setnor Bogdanoff	X				
Mary Brandenburg	X				
Audrey Gibson	X				
Wilbert Holloway	X				
Stan Jordan	X				
Ron Reagan	X				
David Rivera			X		
Donald Brown (Chair)	X				
Total Yeas: 7		Total Nays: 0			

Appearances:

Economic Development Agencies

Fred A. Martin (Lobbyist) - Proponent

Florida Economic Development Council

P.O. Box 10615

Tallahassee FL 32302

Phone: 850-224-2777

Committee meeting was reported out: Wednesday, March 22, 2006 2:29:39PM

COUNCIL MEETING REPORT

State Administration Council

3/22/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 7023 : Review under the Open Government Sunset Review Act regarding Medical Facility
Terrorism Response Information

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
Ellyn Setnor Bogdanoff	X				
Mary Brandenburg	X				
Audrey Gibson	X				
Wilbert Holloway	X				
Stan Jordan	X				
Ron Reagan	X				
David Rivera			X		
Donald Brown (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Wednesday, March 22, 2006 2:29:39PM

COUNCIL MEETING REPORT

State Administration Council

3/22/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 7025 : Review under the Open Government Sunset Review Act regarding Comprehensive Emergency Management Plan Components

☒ *Favorable*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Ellyn Setnor Bogdanoff	X				
Mary Brandenburg	X				
Audrey Gibson	X				
Wilbert Holloway	X				
Stan Jordan	X				
Ron Reagan	X				
David Rivera			X		
Donald Brown (Chair)	X				
Total Yeas: 8		Total Nays: 0			

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COUNCIL MEETING REPORT

State Administration Council

3/22/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 7033 : Review under the Open Government Sunset Review Act regarding Security System Plans

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
Ellyn Setnor Bogdanoff	X				
Mary Brandenburg	X				
Audrey Gibson	X				
Wilbert Holloway	X				
Stan Jordan	X				
Ron Reagan	X				
David Rivera			X		
Donald Brown (Chair)	X				
Total Yeas: 8		Total Nays: 0			

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COUNCIL MEETING REPORT

State Administration Council

3/22/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 7035 : Review under the Open Government Sunset Review Act regarding Motor Vehicle Crash Reports

☒ *Favorable*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Ellyn Setnor Bogdanoff	X				
Mary Brandenburg		X			
Audrey Gibson	X				
Wilbert Holloway	X				
Stan Jordan	X				
Ron Reagan	X				
David Rivera			X		
Donald Brown (Chair)	X				
Total Yeas: 7		Total Nays: 1			

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COUNCIL MEETING REPORT

State Administration Council

3/22/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 7043 : Review under the Open Government Sunset Review Act regarding Long-term Care Services

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
Ellyn Setnor Bogdanoff	X				
Mary Brandenburg	X				
Audrey Gibson	X				
Wilbert Holloway	X				
Stan Jordan	X				
Ron Reagan	X				
David Rivera			X		
Donald Brown (Chair)	X				
Total Yeas: 8		Total Nays: 0			

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COUNCIL MEETING REPORT

State Administration Council

3/22/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 7045 : Review under the Open Government Sunset Review Act regarding Supplemental Rebate Agreements

☒ *Temporarily Deferred*

Committee meeting was reported out: Wednesday, March 22, 2006 2:29:39PM

COUNCIL MEETING REPORT

State Administration Council

3/22/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 7059 : Review under the Open Government Sunset Review Act regarding Temporary Cash Assistance

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
Ellyn Setnor Bogdanoff	X				
Mary Brandenburg	X				
Audrey Gibson	X				
Wilbert Holloway	X				
Stan Jordan	X				
Ron Reagan	X				
David Rivera	X				
Donald Brown (Chair)	X				
Total Yeas: 9		Total Nays: 0			

Committee meeting was reported out: Wednesday, March 22, 2006 2:29:39PM

COUNCIL MEETING REPORT

State Administration Council

3/22/2006 1:00:00PM

Location: Morris Hall (17 HOB)

Summary:

State Administration Council

Wednesday March 22, 2006 01:00 pm

HB 461	Favorable	Yeas: 5 Nays: 0
HB 955	Favorable	Yeas: 5 Nays: 0
HB 1001 CS	Favorable	Yeas: 7 Nays: 0
HB 7017	Favorable With Committee Substitute	Yeas: 7 Nays: 0
HB 7023	Favorable	Yeas: 8 Nays: 0
HB 7025	Favorable	Yeas: 8 Nays: 0
HB 7033	Favorable	Yeas: 8 Nays: 0
HB 7035	Favorable	Yeas: 7 Nays: 1
HB 7043	Favorable	Yeas: 8 Nays: 0
HB 7045	Temporarily Deferred	
HB 7059	Favorable	Yeas: 9 Nays: 0

Committee meeting was reported out: Wednesday, March 22, 2006 2:29:39PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. **HB 7017**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ☒ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: State Administration Council
Representative(s) ^{Reagan} ~~Rivera~~ offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Section 288.075, Florida Statutes, is amended
to read:

288.075 Confidentiality of records.--

(1) As used in this section, the term "economic
development agency" means:

(a) The Office of Tourism, Trade, and Economic
Development;;

(b) Any industrial development authority created in
accordance with part III of chapter 159 or by special law;;

(c) The Florida Space Authority created in part II of
chapter 331;;

(d) The Florida Aerospace Finance Corporation created in
part III of chapter 331;;

(e) The public economic development agency of a county or
municipality;; ~~or~~

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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22 (f) Any research and development authority created in
23 accordance with part V of chapter 159; ~~or. The term also~~
24 ~~includes~~

25 (g) Any private agency, person, partnership, corporation,
26 or business entity when authorized by the state, a municipality,
27 or a county to promote the general business interests or
28 industrial interests of the state or that municipality or
29 county.

30 (2) Upon written request from a private corporation,
31 partnership, or person, ~~records of an economic development~~
32 ~~agency which contain or would provide information held by an~~
33 ~~economic development agency concerning plans, intentions, or~~
34 ~~interests of such private corporation, partnership, or person to~~
35 ~~locate, relocate, or expand any of its business activities in~~
36 ~~this state is are confidential and exempt from s. 119.07(1) and~~
37 ~~s. 24(a), Art. I of the State Constitution for 24 months after~~
38 ~~the date an economic development agency receives a request for~~
39 ~~confidentiality or until the disclosed by an economic~~
40 ~~development agency pursuant to subsection (4) or by the party~~
41 ~~requesting confidentiality under this section. Confidentiality~~
42 ~~must be maintained until the expiration of the 24 month period~~
43 ~~or until documents or information is are otherwise disclosed,~~
44 ~~whichever occurs first. Any confidentiality provided under this~~
45 ~~section does not apply when any party petitions a court of~~
46 ~~competent jurisdiction and, in the opinion of the court, proves~~
47 ~~need for access to such documents. This exemption expires~~
48 ~~October 2, 2006, and is subject to review by the Legislature~~
49 ~~under the Open Government Sunset Review Act of 1995 in~~
50 ~~accordance with s. 119.15.~~

51 ~~(3) This section does not waive any provision of chapter~~
52 ~~120 or any other provision of law requiring a public hearing.~~

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

53 ~~(4) A public officer or employee may not enter into a~~
54 ~~binding agreement with any corporation, partnership, or person~~
55 ~~who has requested confidentiality of information pursuant to~~
56 ~~this section, until 90 days after such information is made~~
57 ~~public, unless such public officer or employee is acting in an~~
58 ~~official capacity, the agreement does not accrue to the personal~~
59 ~~benefit of such public officer or employee, and, in the~~
60 ~~professional judgment of such officer or employee, the agreement~~
61 ~~is necessary to effectuate an economic development project.~~

62 ~~(3)(5)~~ An economic development agency may extend the
63 period of confidentiality specified in subsection (2) for up to
64 an additional 12 months upon written request from the private
65 corporation, partnership, or person who originally requested
66 confidentiality under this section and upon a finding by the
67 economic development agency that such private corporation,
68 partnership, or person is still actively considering locating,
69 relocating, or expanding its business activities in this state.
70 Such a request for an extension in the period of confidentiality
71 must be received prior to the expiration of any confidentiality
72 originally provided under this section.

73 ~~(4)(6)~~ Notwithstanding the period of confidentiality
74 ~~specified in subsection (2),~~ Trade secrets, as defined by s.
75 812.081, contained in the records of an economic development
76 agency relating to the plans, intentions, or interests of a
77 corporation, partnership, or person who has requested
78 confidentiality pursuant to this section are confidential and
79 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
80 Constitution for 10 years after the date an economic development
81 agency receives a request for confidentiality or until otherwise
82 disclosed, whichever occurs first. ~~The 10-year period of~~
83 ~~confidentiality provided by this subsection does not apply to~~

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

~~any portion of the records other than trade secrets as defined
by s. 812.081.~~

(5) A public officer or employee may not enter into a
binding agreement with any corporation, partnership, or person
who has requested confidentiality of information pursuant to
this section until 90 days after the information is made public
unless:

(a) The public officer or employee is acting in an
official capacity;

(b) The agreement does not accrue to the personal benefit
of such public officer or employee; and

(c) In the professional judgment of the officer or
employee, the agreement is necessary to effectuate an economic
development project.

(6)~~(7)~~ Any person who is an employee of an economic
development agency who violates the provisions of this section
commits a misdemeanor of the second degree, punishable as
provided in s. 775.082 or s. 775.083.

Section 2. This act shall take effect October 1, 2006.

===== T I T L E A M E N D M E N T =====

Remove the entire title and insert:

An act relating to a review under the Open Government
Sunset Review Act; amending s. 288.075, F.S., relating to
an exemption from public-records requirements provided for
information held by the Office of Tourism, Trade, and
Economic Development, an industrial development authority,
the Florida Space Authority, the Florida Aerospace Finance
Corporation, a public economic development agency of a

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

115 county or municipality, a research and development
116 authority, or a private agency or other business entity
117 authorized by the state, a municipality, or a county to
118 promote certain business interests; restating
119 applicability of provisions relating to trade secrets;
120 deleting a provision authorizing a court to allow access
121 to such information under certain circumstances; saving
122 the exemption from repeal under the Open Government Sunset
123 Review Act; deleting provisions providing for the repeal
124 of the exemption; providing an effective date.
125